

**CRIMINAL DOCKET
UNITED STATES DISTRICT COURT**

D. C. Form No. 100A Rev.

TITLE OF CASE	ATTORNEYS
<p>THE UNITED STATES</p> <p><i>vs.</i></p> <p>SAMMY RISENHOOVER (bond) JAMES NORWOOD HUTCHING (bond)</p> <p>(2255 date: 8/12/98) James Norwood Hutching FCC USP High Security P.O. Box 7000 Florence, CO 81226 James Norwood Hutching Rt. 1, Box 353 Muskogee, Oklahoma 74401</p> <p>Sammy Risenhoover General Delivery Fort Gibson, Okla. 74434</p>	<p><i>For U.S.:</i></p> <p>Ben F. Baker Asst. U.S. Attorney</p> <p><i>For Defendant:</i></p> <p>Tom Hanlon (ret.) 1635 E. 15th Tulsa, Oklahoma</p>

STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 2 mailed 7-1-74	Clerk	8/13/74	T. Hanlon	5.00	
J.S. 3 mailed Risenhoover 8-1-74 Hutching 8-1-74	Marshal	8-15-74 4-21-76	C/D #8 Hutching	3864 20	5 00
Violation Dist. of Drugs	Docket fee	4-22	C.D. #45		3864 20
Title 21					
Sec. 846					
\$15,000 and/or 5 yrs.					

DATE	PROCEEDINGS
6-13-74	Indictment, filed in open court.jj
6-13-74	Record vote of grand jury, filed in open court.jj
6-13-74	Appearance bond(\$7,500 surety RISENHOOVER) and \$10,000 surety HUTCHING) FILED.jj
6-13-74	Order specifying methods and conditions of release, filed.jj
6-14-74	MO: Case set for arraignment 6-18-74 at 10:00 A.M. (AEB-J) Notices mailed and atty called.
6-18-74	Case called for Arraignment and plea as to Deft. Sammy Risenhoover. Deft. present and represented; govt. represented; Deft. acknowledges receipt of Indictment. The deft. is arraigned and enters a plea of NOT GUILTY. Case set on July 22, 1974 Jury Docket. Deft. is to stand on present bond. Crt. gives Deft. 10 days to file any and all motions. (Arraignment and plea as to Deft. Hutching. Deft. present and represented; govt. represented. The Deft. is arraigned and enters a plea of NOT GUILTY. Case is set for the July 22, 1974 Jury docket. Deft. is given 10 days to file any and all motions. (AEB-J)s

DATE	PROCEEDINGS
6-26-74	Mo. for Bill of Particulars, Mo. for Discovery, filed. lm
6-26-74	Brief in Support of Mo. for Discovery, filed. lm
6-26-74	Mo. for Disclosure of Matters Occurring Before the Grand Jury, Mo. to disclose Witnesses of the Govt. Who Shall Appear at the Time of Trial, Motion for Severance, filed. lm. <i>Copy Done</i>
6-26-74	Brief in Support of Mo. for Disclosure of Grand Jury Minutes and Production of Evidence, Mo. for Disclosure of Grand Jury Minutes and Production of Evidence, Mo. for Disclosure of Witnesses, Mo. for Severance, filed. lm
6-27-74	MO. It is ordered that defendants' motions (1) for disclosure of matters occurring before the Grand Jury, (2) to disclose witnesses of the Government who shall appear at time of trial, (3) for Bill of Particulars, and (4) for discovery, are transferred to the Magistrate for hearing and disposition on or before July 12, 1974, pursuant to Local Court Rule 14(e). The Motion for Severance is retained by the District Court and hearing is set for 10:00 A.M. on Wednesday, July 10, 1974. (AEB-J)g (notice given)
7-5-74	Govt's Response to Defts' Pre-Trial Motions, filed.jj
7-9-74	Case set for jury trial 7-23-74, at 10:00 a.m.(AEB-J)bm
7-10-74	Case called for hearing on motion of defts. for severance. Defts. each present and represented. Govt. represented. Both parties submit motion to the Court on briefs for ruling. Motion overruled without prejudice. Govt. to prepare order. Bonds continued on each deft. and case heretofore set for jury trial 7-23-74. (AEB-J)b
7-16-74	Order Overruling defts. motion for severance, filed. (AEB-J) b
7-16-74	Order denying defts. motion for disclosure of matters occurring before the Grand Jury, motion to disclose trial witnesses, motion for Bill of particulars, & mot. for discovery, filed. (AEB-J) copies mailed. b
7-18-74	Case transferred to Judge Fred Daugherty. (AEB-J)hm
7-22-74	Case called for jury trial. Govt. rep. by Jack Short for Ben Baker. Defs. present & rep. by Tom Hanlon, ret. Parties announce ready. Jury empaneled and sworn. Rule invoked. Pltf. makes opening statement. Pltf. witness Dorcie Shannon sworn and testifies. Defs. move for mistrial on tape testimony of def. Hutching. Motion granted. Mistrial declared by Ct. Jury panel discharged and admonished to not discuss reason for mistrial. Case passed to 7/23/74 at 9 a.m. for jury trial before new jury panel.(FD-J)rm
7-24-74	Jury trial held 7/23/74 and 7/24/74. Parties pre. & rep.by counsel of record. Jury empaneled. Rule invoked. Witnesses sworn and testimony given. Exhibits admitted. Def. mo/judg. of acquittal overruled and mo/DV overruled. Parties rest. Closing arguments. Ct. instructs jury. Bailiff sworn. Jury retires to deliberate at 4 p.m. 7/23/74. 6:30 p.m. jury dismissed til 7/24/74 at 9:30 am to continue deliberation. Jury returns w/verdict at 9:45 a.m. 7/24/74. Both defs. found GUILTY as charged in indictment. Case referred to probation office for pre-sentence report. Defs. remanded to USM to await sentencing set for 7/26/74 at 9:30 a.m. Previous bonds exonerated. (FD-J)rm
7-24-74	Trial exhibits, filed. rm
7-24-74	Verdict, re Risenhoover, filed in open court. rm
7-24-74	Verdict, re Hutching, filed in open court. rm

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DATE	PROCEEDINGS
7-24-74	Unused verdicts, filed in open court. rm
7-24-74	Notes from foreman, filed. rm
7-26-74	Case called for sentencing as to both defs. Defs. appear in person and with Paul Garrison standing in for Tom Hanlon. Govt rep. by Jack Short. Defs. asked if anything to say before sentencing imposed, and nothing to contrary: JUDGMENT AND SENTENCE - SAMMY R. RISENHOOVER Attorney General - Five (5) Years. Further ordered that 5-year special parole term is imposed; that def. is fined the sum of \$15,000 to be pd. within 10 days from this date. JUDGMENT AND SENTENCE - JAMES NORWOOD HUTCHING. Attorney General - Five (5) Years. Further ordered that 5-year special parole term is imposed; that def. is fined the sum of \$15,000 to be paid within 10 days from this date; further ordered that the sentence imposed in this case shall run consecutive to any prior federal sentence. Defs. advised of their right to appeal and both give oral notice of appeal. Clerk directed to spread of record such notice. Ct. orders that defs. be held without appeal bond. Defs. remanded to US Marshal. (FD-J)rm
7-26-74	Judgment and commitment, as to def. RISENHOOVER, filed and entered.(FD-J)rm
7-26-74	2 c.c. copies of J&C, re Risenhoover to USM. rm
7-26-74	Judgment and commitment, as to def. HUTCHING, filed and entered.(FD-J)rm
7-26-74	2 c.c. copies of J&C, re Hutching, to USM. rm
8-5-74	Notice of intent to appeal, filed.k (copy to USCA)
8-5-74	Application to stay payment of fines pending appeal, filed.k
8-9-74	Order, filed, staying payment of fines pending appeal and directing each def. to restrain from dissipating his assets until fine is pd.(FD-J)rm
8-12-74	Return on J&C as to Deft. Risenhoover, filed. Executed by delivering Deft. to F.C.I., Texarkana, Texas, on August 7, 1974. v
8-12-74	Return on J&C as to Deft. Hutching, filed. Executed by delivering Deft. on 8-7-74 to F.C.I., at Texarkana, Texas. v
8-21-74	Designation of record on appeal by both parties, filed. rm (copy to Hanlon Larry Marks and Tim Holmes)
9-12-74	Reporter's transcript hearing on motion for severance held on July 10, 1974, filed. k
9-13-74	Reporter's transcript of trial proceedings held 7/23/74, filed.rm (Tim Holmes, Ct. reporter)
9-13-74	Reporter's transcript of sentencing held 7/26/74, filed.(T.Holmes,C.R.)rm
9-13-74	Appeal record (4 vols.) sent to USCA. g
3-5-75	Mandate of USCA, re Hutching, filed and spread of record, affirming judg. of this Ct. rm
3-5-75	Mandate of USCA, re Risenhoover, affirming judg. of this Ct., filed and spread of record. rm

DATE	PROCEEDINGS
3-5-75	Opinion of USCA, re Hutching and Risenhoover, filed and spread of record.rm
3-12-75	Original record on appeal (4 vols.) received from USCA. rm
5-14-75	Letter, filed, from Risenhoover, as mo/Rule 35. rm
5-14-75	Letter, 5/13/75, filed, from FD to Risenhoover denying Rule 35 motion.(FD-J)rm
6-2-75	Letters, filed, between def. Risenhoover and FD, re mo/reduce sentence under Rule 35, and Ct.'s letter declining same. (FD-J)rm
<u>1979</u>	
3-13-79	Deft. Sammy Risenhoover mot. to modify judgment & sentence, fld. ho Eleanor Thompson (asst. U. S. atty.) notified.
6-25-79	ORDER, Deft. Risenhoovers Mot. to Modify Judgment & Sentence is denied. (FD-J)ho c/m
7-23	ORDER that spec. parole term imposed on def ^{Risenhoover} t in Ct I of indictment is hereby VACATED.(FD-J)ra cps to prob. office
<u>1980</u>	
12-8	ORDER, that spec. parole term inposed on deft. Hutching in Ct 1 of indictment is VACATED (FD-J)mm cps to prob. office.
<u>1998</u>	
8/10	MOTION pursuant to 28 U.S.C. 2255 (fee status: wv) (mail/no env) [98-CV-594-K(M) (pro se)] (c/j) (c/USA) jn
8/10	MOTION for this Court to Accept Tardy Motion Pursuant to 28 U.S.C. 2255 and Rule 60 (b) (c/j) (c/USA) jn
8/25/98	RESPONSE by govt to mtn to vacate sentence (C2J) cp
9/4/98	ORDER by Judge Terry Kern dismissing dfdt's motion to vacate, set aside or correct sentence w/ prejudice for lack of juris; dfdt's motion for court to accept tardy motion is denied as moot (cc: all parties) sms
9/4/98	JUDGMENT by Judge Terry Kern entered for plaintiff and against dfdt (cc: all parties) sms
9/14/98	REBUTTAL TO GOVT'S RESPONSE TO PTNR'S 2255 Mtn (C2J, mail-no env) cp.
9/15/98	mail returned - addressed to Tom Hanlon (9/4/98 order & jgmt) marked "return to sender forward order expired, not at this address" sms